

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Criminal No. 06-229 (DSD)

United States of America,

Plaintiff,

v.

ORDER

William Carl Moline,

Defendant.

This matter is before the court upon the pro se motion to vacate and to reconsider by defendant William Carl Moline. Motions to reconsider require the "court's prior permission," which will be granted only upon a showing of "compelling circumstances." D. Minn. LR 7.1(j). Moline has not received permission from the court, and this alone warrants denial of his motion to reconsider.

Even if the court were to construe Moline's motion as a request for permission to file a motion to reconsider, it would be denied. A motion to reconsider should not be employed to relitigate old issues but rather to "afford an opportunity for relief in extraordinary circumstances." Dale & Selby Superette & Deli v. U.S. Dep't of Agric., 838 F. Supp. 1346, 1348 (D. Minn. 1993). Here, Moline raises no new arguments in his motion, and the court finds that reconsideration is not warranted.

Likewise, a motion to vacate "is an extraordinary remedy and will be justified only under exceptional circumstances." Prudential Ins. Co. of Am. v. Nat'l Park Med. Ctr., Inc., 413 F.3d

897, 903 (8th Cir. 2005) (citations and internal quotation marks omitted). Such circumstances include mistake, newly discovered evidence, fraud, misrepresentation, or "any other reason that justifies relief." Fed. R. Civ. P. 60(b). Moline has shown no exceptional circumstances that justify relief.

Accordingly, **IT IS HEREBY ORDERED** that the motion to vacate and to reconsider [ECF No. 23] is denied.

Dated: December 10, 2012

s/David S. Doty
David S. Doty, Judge
United States District Court